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Public Service Commission of Wisconsin
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PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Wisconsin Electric Power Company, as an Electric Public
Utility, for Approval of Electric Vehicle Charging Pilots

6630-TE-106

FINAL DECISION

This is the Final Decision in the investigation conducted by the Public Service Commission of Wisconsin (Commission) to consider the request of Wisconsin Electric Power Company (applicant) for approval of three electric vehicle (EV) service programs and one low-income program. The application is APPROVED in part, as conditioned by this Final Decision.

Introduction

On October 7, 2020 the applicant filed an application with the Commission for approval of three electric vehicle (EV) service programs and one low-income program. ([PSC REF#: 397968](#).) The applicant's application includes two pilot residential EV programs, one pilot commercial EV program, and a pilot proposal for a low-income program. The Commission issued a Notice of Investigation on November 5, 2020. ([PSC REF#: 399550](#).) Citizens Utility Board of Wisconsin (CUB), RENEW Wisconsin (RENEW), Wisconsin Industrial Energy Group (WIEG), and ChargePoint requested to intervene and were granted intervenor status. ([PSC REF#: 401401](#).) None of the parties requested a hearing, and no hearing was required or held.

A memorandum and letter requesting comments on the applicant's request for approval of the four EV service programs was served on May 24, 2021. ([PSC REF#: 411931](#).) The Commission received comments from the parties of the applicant, RENEW, ChargePoint,

WIEG, and CUB. ([PSC REF#: 413079](#), [PSC REF#: 413004](#), [PSC REF#: 413025](#), [PSC REF#: 413026](#), [PSC REF#: 413074](#).)

The Commission discussed this matter at its open meeting of June 10, 2021.

Findings of Fact

1. The applicant filed an application with the Commission for approval of three EV service programs and one low-income EV program on October 7, 2021.

2. It is reasonable to authorize the applicant to implement the proposed Charger Only EV Program – Residential (COEV-R), Whole House EV Program – Residential (WHEV-R), and EV Program – Commercial (EV-C) programs, as pilots, as modified and conditioned by this Final Decision.

3. It is reasonable to direct the applicant to work with Commission staff to agree on accounting procedures to track program costs and revenues, and ensure there is no cross-subsidization from other, non-participating customers. The applicant shall provide accounting treatment and procedures for the programs within 60 days of this Final Decision.

4. It is reasonable to allow the applicant to defer the rebates used for commercial customers as part of the Commercial Program with carrying costs at the most recent Commission-authorized short-term debt rate of 2.78 percent until the applicant's next rate proceeding.

5. It is reasonable to direct the applicant to provide annual reporting for the COEV-R and WHEV-R programs on the following:

- a. Number of customers and selected options (bundled vs. prepay);
- b. Total amount of electricity sold by time-of-day (TOD);

- c. Program budget and spending;
 - d. Survey results regarding customer satisfaction and installation experiences;
 - e. Aggregated interval data;
 - f. Analysis of customer cost savings; and
 - g. Analysis of load management.
6. It is reasonable to direct the applicant to provide annual reporting for the EV-C

Commercial Program on the following:

- a. Number of customers participating in revenue-based extension rules, including each customer's estimated load, total allowance, customer contribution, and total extension costs for both distribution extension and make-ready infrastructure with a comparison to current extension rules;
- b. When actuals are available, the annual reports shall include a comparison of actual and estimated load showing how distribution revenues record the revenue-based distribution allowance; and
- c. Number of customers under each of the Optional Charger Service options.

7. It is reasonable to direct the applicant to report for the Commercial Program on the number of customers who do not meet their anticipated load level within two years and who receive a true-up; on the number of customers who do not pay the true-up bill prior to the applicant writing it off and the amounts the applicant writes off after approximately 180 days; and on the amount of bills issued to customers at the end of the two-year true up period.

8. It is reasonable to direct the applicant to file to continue, expand, replace, or close out the COEV-R, WHEV-R, and EV-C pilot programs by July 1, 2026.

9. It is reasonable to grant the applicant, with conditions, waivers of the following Wisconsin Administrative Code provisions as they pertain to the COEV-R program charging unit sub-meter:

a. Wisconsin Admin. Code §§ PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;

b. Wisconsin Admin. Code § PSC 113.0406(1)(c) pertaining to marking bills based on usage measured by the EV charging unit sub-meter as estimated; and

c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

10. It is reasonable to direct the applicant to modify its tariff provisions to make the tariff language more explicit in informing customers that in the event of an error in the charging unit sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate.

11. It is reasonable to deny the applicant's request for a waiver of Wis. Admin. Code § PSC 113.0407 for the COEV-R program.

12. It is reasonable to grant the applicant, with conditions, a limited waiver of the following Wisconsin Administrative Code provisions as they pertain to the COEV-R program charging unit sub-meter:

a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements; and

b. Wisconsin Admin. Code §§ PSC 113.0901, 113.0903, 113.0905, and 113.0924 pertaining to meter testing standards and recalculating bills for inaccurate meters.

13. It is reasonable for the Commission to establish an initial meter accuracy and testing standard for the charging unit sub-meter requiring initial accuracy as shown by the manufacturer to be within 2.0 percent, to direct the applicant to work with Commission staff on developing an ongoing meter accuracy and testing standard, and to require the applicant to propose such standards by September 1, 2023. The Commission delegates to the Administrator for the Division of Digital Access, Consumer and Environmental Affairs the authority to modify the initial meter accuracy and testing standard authorized by the Commission in this docket.

14. It is reasonable to direct the applicant to provide and include updated tariff language for the COEV-R program explaining that over- or under-registration of charging use will result in more or less usage being billed at the new TOD rate specifically designed for EVs and that bill adjustments will not be made for charging unit sub-meter inaccuracy.

15. It is reasonable to grant a waiver of customers' billing adjustment rights under Wis. Admin. Code § PSC 113.0406(4) referencing customers' waiver of billing adjustment rights, including rights under Wis. Admin. Code § PSC 113.0406(4), in its COEV-R and WHEV-R optional program tariffs.

16. It is reasonable to grant the applicant, with conditions, waivers of the following Wisconsin Administrative Code and the applicant's tariff provisions for the Commercial Program, to the extent such waivers are required:

- a. Wis. Admin. Code § PSC 113.1005(1)
- b. Wis. Admin. Code § PSC 113.1007(1)
- c. Wis. Admin. Code § PSC 113.1008(3)
- d. Section 201 of the applicant's Electric Rules
- e. Section 202 of the applicant's Electric Rules

17. It is reasonable to direct the applicant to report to the Commission on the results of any further engagement with Commission staff and Community-Based Organizations regarding the development of a low-income program proposal.

Conclusions of Law

- 1. The applicant is an electric public utility under Wis. Stat. § 196.01(5).
- 2. The Commission has authority under Wis. Stat. §§ 196.02, 196.025, 196.03, 196.19, 196.20, and 196.37 to authorize the applicant to implement EV service programs, and to determine that the rates and rules in the tariffs are reasonable and just as a matter of law.
- 3. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02 and 196.395.
- 4. No hearing under Wis. Stat. §§ 196.20(1) or (2m) was required in this matter as the EV service programs, as conditioned by this Final Decision, do not curtail the obligation or undertaking of the applicant, or constitute an increase in rates to consumers.

Opinion

The applicant proposed two pilot residential EV programs, one pilot commercial EV program, and a pilot low-income program. The residential EV programs proposed in the application would combine EV charging equipment with a TOD rate design, and attempt to address the upfront charging infrastructure cost barrier to EV adoption. The two residential EV programs are similar, but would allow residential customers with EVs to participate in different ways. The first residential program, which the applicant calls the Charger Only EV Program – Residential (COEV-R), would allow customers to contract with the applicant to install an EV charger. Under this program, household usage would continue to be billed at the residential or farm flat energy charge rate (Rg-1 or Fg-1), while the EV charger usage would be measured and billed at a new TOD rate specifically designed for electric vehicle charging (EV TOD). All usage for the property—house usage and EV charger usage—would pass through and register on the primary house meter at the property. However, the EV chargers also contain sub-meters that allow the applicant to disentangle the EV charger energy use from the total house usage so that the respective Rg-1 or Fg-1 and EV TOD usage rates can be accurately applied.

The second residential program proposed by the applicant, referred to as the Whole House EV Program – Residential (WHEV-R), is for residential customers who want to contract with the applicant for an EV charger, and who also wish to keep their household energy use metered on the applicant's existing TOD rate (Rg-2) and/or participate in one of the applicant's parallel generation programs. The EV load of WHEV-R customers would also be subject to Rg-2 rates.

Under both residential EV programs, customers would have two options to pay for the installed charging unit plus associated ongoing service costs, including maintenance and

administrative costs. The two options would be “bundled” or “prepay.” The bundled option has no upfront fee. Participating customers would pay a monthly fixed charge that would enable the applicant to recover all costs of the EV charger and associated services over the course of the contract. At the end of the contract, customers who choose the bundled option would be able to sign a new 10-year contract; the applicant would continue to own and maintain the existing charger or replace with another charger if needed. The applicant plans to redeploy EV chargers among customers electing service under the bundled option if a customer terminates their contract early, or if the charger is still usable after the end of the 10-year term.

Under the second option—prepay—participating customers would pay the costs of the EV charging unit upfront, and would also be required to pay a monthly fixed charge for the remaining associated service costs. Only customers electing service under the prepay option are guaranteed to receive a new EV charger. Prepay comes with the additional option for the customer to keep the EV charger after the contract is complete, or sign another contract with the applicant that would include a new EV charger. The applicant proposes to continue to maintain and repair the EV charger after ownership is transferred to the customer, but would require the customer to replace this EV charger if it breaks by signing a 10-year contract if they wish to continue to participate in the program. The applicant designed both payment options to ensure it collects all EV charger and service costs, as well as hold all other non-participating customers harmless and eliminate any cross-subsidization.

The design of the residential programs proposed by the applicant are based on the residential programs that were recently approved for Northern States Power Company-Wisconsin

(NSPW) in docket 4220-TE-104.¹ NSPW had an opportunity to learn from its counterpart, Northern States Power Company-Minnesota, and its EV charger pilot program. Similarly, the applicant described proposed accounting treatment, marketing considerations, annual reporting, and experience it would gain from its program proposals. The applicant contends such knowledge and experience will help it better understand load management that would be needed in future scenarios of high EV penetration.

The applicant also proposed in its application an EV Program – Commercial (EV-C) that aims to address high upfront costs of EV charging infrastructure, specifically for commercial class customers. EV-C would be an alternative option for customers who must pay the applicant for extension services,² and would allow the applicant the ability to own and maintain “make-ready” EV charging equipment (equipment up to the charger but not including the charger) for commercial customers. Commercial customers would also have the option to have the applicant own the make-ready equipment and the EV chargers on the customers’ premises for a fee.

The applicant proposed an alternative “revenue-based extension allowance” for its Commercial Program, which was also approved for NSPW in docket 4220-TE-104. The nature of the revenue-based extension allowance will be discussed later in this Final Decision. The costs for the applicant to install, own, and maintain equipment and wiring on a commercial customer’s premises would be part of the extension costs.

¹ See Final Decision in docket 4220-TE-104 ([PSC REF#: 393776](#)).

² The current process requires customers to pay for utilities to build extensions to serve the customers’ new load upfront. The customers receive an embedded extension allowance, which is determined by the Commission on a class-by-class basis in every utility rate case. In addition to being required by Wisconsin Administrative Code, the extension allowance is also written into most utility tariffs in the state, including the applicant’s.

The proposed contract between participating residential customers and the applicant contains several terms and conditions. Specifically for COEV-R, the applicant requested that the Commission grant waivers to particular requirements of the Wisconsin Administrative Code. These waiver requests for COEV-R are related to certain billing, consumer complaint, and metering requirements of the administrative code. The applicant did not expressly request any waivers of Wisconsin Administrative Code requirements to implement the WHEV-R program, but the tariff sheets for each of the residential options include language stating that customers choosing the rate schedule waive rights to billing adjustments, including any rights under Wis. Admin. Code § PSC 113.0406(4). In connection with the proposed Commercial Program, the applicant requested that the Commission grant a waiver of specific requirements in Wis. Admin. Code §§ PSC 113.1005(1), 113.1007(1), 113.1008(3), and rules found in the applicant's tariffs. These waiver requests for the Commercial Program are related to the embedded extension allowance methodology that is required by the code and tariff provisions. The waiver requests for COEV-R, WHEV-R, and EV-C will be discussed in detail later in this Final Decision, following the analysis of the proposed programs.

The Commission approves of the applicant's proposed residential COEV-R and WHEV-R programs and Commercial Program, all as pilot programs, with modifications and conditions described below. Moreover, the Commission directs the applicant to report back to the Commission on the results of any further engagement with Commission staff and community-based organizations regarding the development of a low-income program proposal.

COEV-R Program

As described above, the applicant's proposed COEV-R program would allow customers to contract with the applicant to install an EV charger using a new three-tiered TOD rate. Household usage would continue to be billed at the residential or farm flat energy charge rate (Rg-1 or Fg-1), while the EV charger usage would be measured and billed at this new TOD rate specifically designed for EVs. All usage for the property, both house usage and EV charger usage, would pass through and register on the primary house meter at the property. However, the EV chargers also contain sub-meters that the applicant proposes to use to parse out and subtract the EV charger energy use from the total house usage for the application of the respective Rg-1 or Fg-1 versus EV TOD usage rates.

Commission staff requested an analysis of the applicant's proposed three-tiered TOD rate designed for the COEV-R program. The analysis included application of an estimated participants' charging data with the applicant's proposed COEV-R TOD rate. Commission staff concluded that that since the load profile was estimated, it is recommended that the applicant collect load profile data from customers that enroll on this program to see how customers' charging patterns align with the pricing time periods. Commission staff did not make suggestions to alter the applicant's proposed COEV-R TOD rate structure.

Commission staff's memorandum also provided analysis of potential system impacts of future EV load profiles. Due to the proposed cap of 7,500 total customers that could enroll across both residential programs cumulatively, Commission staff was not concerned about system-wide impacts as a result of this program.

Commission staff's memorandum also outlined utility ownership of EV infrastructure as a policy issue discussed within Wisconsin and across the nation, especially as it relates to cost recovery from the consumers. The Commission fully supports the principle of holding non-participating ratepayers harmless with new utility programs that create optional products customers can voluntarily participate in and agree to pay all costs associated with the programs revenue requirements. Designating these new programs as pilots, and requiring robust accounting and reporting requirements, helps to ensure other customers are held harmless.

In consideration of Commission staff's memorandum and comments received, the Commission finds that it is reasonable to approve of the applicant's proposed COEV-R program, as a pilot, with accounting, reporting, and waiver conditions further described in the sections below.

WHEV-R Program

The applicant proposed the WHEV-R program for residential customers who want to contract with the applicant for an EV charger, and who wish to sign up for or keep their household energy use metered on the applicant's existing TOD rate (Rg-2). Customers participating in one of the applicant's parallel generation programs, such as customers who own solar photovoltaic panels and interconnect with the applicant's system, may also sign up for the applicant's proposed WHEV-R program. Rather than separate household usage as applied with the flat Rg-1 rate, such as with the COEV-R program, the EV load and household load would not be separated under WHEV-R. All load, including household and EV charging, would be subject to the applicant's current two-tiered Rg-2 rate.

The Commission finds that it is reasonable to approve the applicant's proposed WHEV-R program, as a pilot, with accounting, reporting, and waiver conditions further described in the sections below. The Commission also directs the utility to be as flexible as possible for customers who seek to switch enrollment between the COEV-R and WHEV-R, when feasible.

Commercial Program

The applicant stated in its application that its Commercial Program aims to address the high upfront costs faced by commercial class customers that wish to create EV charging infrastructure for their own business purposes. Currently, customers must pay upfront for utilities to build extensions to serve the customers' new load, but customers receive an embedded extension allowance, which is determined by the Commission on a class-by-class basis in utility rate cases. The embedded allowance is based on class-average distribution infrastructure costs, which are embedded in utility charges and that the customer pays continually once service is established. The embedded allowance essentially credits the customer for average costs of distribution extensions that are paid by all customers on an ongoing basis. The embedded extension allowance methodology is required by Wisconsin Administrative Code and the applicant's tariffs.

For its Commercial Program, the applicant proposed to offer a program that provides commercial customers with a choice to replace the embedded extension allowance methodology with an optional revenue-based extension allowance, which is based on future revenues that the applicant would receive from commercial customers based on distribution (customer) demand charges. The Commercial Program would also allow the applicant to incorporate the costs of utility-owned and maintained make-ready equipment into the total cost of the extension, which

includes a rebate system for the make-ready equipment. The make-ready equipment would include service panels, conduit, wiring, and other equipment needed to support EV chargers on the customers' premises. Finally, the Commercial Program would provide an additional option for the applicant to own and maintain EV chargers and associated equipment for a monthly service charge.

The applicant proposed to offer customers a rebate for any make-ready equipment that is necessary for the customer to have installed on their side of the meter. This rebate would be the lower of: (1) the portion of the extension allowance that is not first applied to the utility's service extension costs; or (2) the actual reasonable cost of the make-ready equipment. The Commission finds this approach to be reasonable, subject to the accounting requirements discussed later in this Final Decision, as it seeks to reduce upfront costs for the conversion to EV fleets, which was raised as a key barrier in the Commission's investigation of Electric Vehicle Policy.³

The applicant's proposal for calculating the revenue-based extension allowance follows a similar methodology that is used by natural gas utilities,⁴ where the average annual carrying costs would be recovered by the additional distribution demand revenue from the new load growth. Although there are similarities between the applicant's proposed revenue-based extension allowance and existing revenue-based extension allowance used for natural gas service, this approach has only been undertaken by one electric utility—NSPW—for use in a similar program.

³ See Final Decision in docket 5-EI-156 ([PSC REF#: 402117](#)).

⁴ Natural gas utilities are governed by a different section of the Wisconsin Administrative Code. See Wis. Admin. Code ch. PSC 134.

The applicant states that this revenue-based extension allowance would hold non-participating customers harmless because: (1) the additional distribution demand revenue would cover the costs of the larger extension allowance, (2) distribution demand charges would not encapsulate all of the costs associated with distribution, and (3) this new growth would provide marginal benefits to all customers as the total system demand grows. Commission staff's memorandum noted that while in the long run non-participating customers may be held harmless, in the initial years the additional credit for the revenue-based allowance (assuming it is larger than the embedded cost allowance) would be funded by all other ratepayers in the applicant's territory. Only after the applicant collects future distribution demand revenues from the new load that equals the revenue-based allowance would both the applicant and all its ratepayers be made whole.

The applicant recognizes that the forecasted load and actual load will not always align, so it included a refund provision for the first two years after a customer receives a revenue-based extension allowance. If actual demand falls below 25 percent of what was expected and installed, the customer will be responsible for refunding the applicant any excessive allowance that they should not have received given their actual demand.

The Commission had similar concerns for ensuring the proposed Commercial Program holds non-participating ratepayers harmless as discussed above with the residential EV programs. The applicant proposed the Commercial Program as a pilot, with a 100-megawatt cap. The Commission agrees that designating these new programs as pilots, and requiring robust accounting and reporting requirements, will help to ensure other customers are held harmless. In consideration of Commission staff's memorandum and comments received, the Commission

finds that it is reasonable to approve the applicant's proposed Commercial Program, as a pilot, with accounting, reporting, and waiver conditions further described in the sections below.

Accounting Treatment

The applicant proposed that all COEV-R charging equipment would be recorded in Federal Energy Regulatory Commission (FERC) Account 101 Plant In Service (FERC Plant Account 370 Meters) and all WHEV-R charging equipment would be recorded in FERC Account 101 Plant In Service (FERC Plant Account 371 Installations on Customers' Premises). Prepaid equipment costs for COEV-R and WHEV-R would be recorded with a value of \$0, as the equipment would be prepaid by the customer. Customers who choose the bundled option would have their equipment recorded at cost in plant. Depreciation expense would be recorded to FERC Account 403 Depreciation Expense, and the applicant would record cost in the same manner as other mass distribution assets. Assets purchased would be capitalized as an electric distribution asset to FERC Account 101 and would be further classified into FERC Plant Account 370 or 371 in vintage groups for the purpose of depreciation rather than as individual equipment.

Commission staff's memorandum noted that recording the bundled equipment in plant raises concerns that costs could be socialized to all ratepayers rather than being included in participant fees, and that by recording the plant at cost the applicant could also earn a return on rate base for double recovery. Since the customer would pay for the charging equipment either by prepaying or financing the equipment over its expected life, in which case the applicant would earn a return through the monthly fixed charge, Commission staff suggested that the Commission could reasonably address these concerns by instead requiring the applicant to record the assets as

\$0, or below the line, regardless of how the customer would pay for the equipment. Both CUB and WIEG did not believe it necessary to include the requirement that charging equipment be recorded as \$0 or below the line.

As Order Condition 3 in the Final Decision in docket 4220-TE-104 directed NSPW to work with Commission staff to develop accounting procedures to ensure there would be no cross-subsidization from non-participating customers, the applicant stated in their application that they are also willing to work with Commission staff to develop accounting procedures to ensure there would be no cross-subsidization.

The applicant also stated that cross-subsidization would be avoided since the programs are designed to fully compensate the applicant. Commission staff recommends that if programs are approved, accounting and tracking for these expenses should be specified so that cost and revenue components, such as cost of charging equipment, are easily identifiable and reportable. WIEG supported commission staff's recommendation to account and track for expenses to be easily identifiable and reportable. Additionally, program costs and revenues would have to be separated from non-participating customers during rate case cost-of-service study (COSS) reviews in order to ensure that non-participants would not be allocated program costs in rate design. The applicant proposed to work with Commission staff to ensure that program costs and revenues would be appropriately tracked and no cross-subsidization from non-participating customers would occur. WIEG and CUB supported working with Commission staff to ensure there is no cross-subsidization.

With regard to the proposed Commercial Program, the applicant stated that distribution extension costs, including make-ready infrastructure costs, under the Commercial Program will

be treated identically to the applicant's current extension policy. Extension costs would be added to rate base in the appropriate FERC account and offset by customer contribution in aid of construction. If the customer does not meet the availability criteria in the first two years, the Commercial Program's allowance refund provision would be exercised, and the customer would be required to pay any additional customer contribution in aid of construction, which would offset rate base. The Commission staff memorandum section on accounting concluded that the Commission may wish to direct the applicant to work with Commission staff on accounting procedures, and COSS approach, to better track program costs and revenues, and ensure there is no cross-subsidization from other non-participating customers.

Additionally, the applicant is seeking deferral to offset rebates used for customers as part of the Commercial Program. The deferral would be directly assigned to commercial EV customers in a future rate proceeding per the applicant's response to Commission staff data request AMK-1.13. ([PSC REF#: 405639](#).)

Prior Commission orders have adopted and applied the Commission staff accounting policy team's Statement of Position 94-01,⁵ and set forth the criteria for evaluating the reasonableness of the use of the deferral accounting method. The criteria may be considered individually or together with other criteria. They are as follows:

1. The amount is outside the control of the utility;

⁵ See, e.g., Order, Application of Northern States Power Company-Wisconsin, for Deferred Accounting Treatment for Pension Settlement Accounting Expense, docket 4220-AF-100 (Wis. PSC Dec. 13, 2017) ([PSC REF#: 334830](#)); Order, Northwestern Wisconsin Electric Company Request for Deferral, docket 4280-AF-100 (Wis. PSC Feb. 8, 2018) ([PSC REF#: 337504](#)); Interim Order, in re Wisconsin Power and Light Company, docket 6680-UR-109, 1994 WL 747576 (Wis. PSC Dec. 8, 1994), Final Decision, Joint Application of Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company for Approval to Purchase the Forward Wind Energy Center from Forward Energy, LLC, docket 5-BS-226 (Wis. PSC Mar. 20, 2018) ([PSC REF#: 339856](#)).

2. The expenditure is unusual (e.g., non-typical, non-customary) and infrequently recurring (e.g., does not occur every two to five years);
3. The immediate recognition of the expenditure causes the utility serious financial harm or significantly distorts the current year's income; or,
4. The immediate recognition of the expenditure causes significant ratepayer impact.

The rebates that the applicant is requesting to defer are unusual and infrequently recurring. In addition, without deferral authorization, the applicant would be required to immediately recognize the rebate costs associated with the commercial EV charging program, which are currently unknown. The Commission finds this request to be reasonable and authorizes the applicant to defer the rebates, with carrying costs at the most recent Commission-authorized short-term debt rate of 2.78 percent,⁶ until the applicant's next rate proceeding.

The Commission finds that it is reasonable to direct the applicant to work with Commission staff to find an agreement on accounting procedures. This will ensure that program costs and revenues are appropriately tracked, and that there is no cross-subsidization from other non-participating customers. The applicant shall provide accounting treatment and procedures for the programs to Commission staff within 60 days of this Final Decision. Other reporting requirement conditions, related to program costs and other issues, are detailed in the next section of this Final Decision.

⁶ See Final Decision in docket 5-UR-109 ([PSC REF#: 381305](#)).

Marketing and Reporting

With regards to marketing, the applicant stated in its application that it intends to make customers aware of all new EV service offerings through targeted outreach to potential customers. The marketing and administration will be funded through the fixed charges that it recovers from participating customers. The applicant will also develop print materials and an informational website to communicate with potential customers.

The applicant stated that it would collect data on its customer service through surveys to measure customer satisfaction and collect information on their experiences with installation, maintenance, and ongoing charging. The data available to assess customers' charging costs would vary by offering. For COEV-R customers, interval data would be collected through their charger to measure charging behaviors and the effects of that timing on billed costs under their TOD rate. WHEV-R customers would not receive separate tracking and billing of their EV charging, and costs for those customers would be measured only on a whole-home basis.

The Commission finds it reasonable to direct the applicant to report on the same reporting requirements that were implemented for NSPW for its EV programs. The reporting requirements that were put in place for those programs include:

- Program budget and spending;
- Survey results regarding customer satisfaction and installation experiences;
- Interval data;
- Analysis of the cost savings experienced by participating customers, including savings related to charger purchase and installation and monthly customer bills;
- Analysis of the load management impacts associated with the growth in EV use on the applicant's electric system; and

- Total enrollment of customers and their selected options (bundled or prepay).

In order to assess all three of the applicant's EV programs as pilots, the Commission will discuss these programs at a future date that would enable the applicant, Commission staff, and all stakeholders enough time to analyze the applicant's reports and data made available. The Commission finds that it is reasonable to direct the applicant to file to continue, modify, expand, replace, or close out the COEV-R, WHEV-R, and Commercial Program pilot programs by July 1, 2026.

COEV-R Waivers Related to Billing

The applicant requested a waiver of specific administrative code and tariff provisions in order to implement its COEV-R proposal. Wisconsin Admin. Code § PSC 113.01(2) provides:

Nothing in this chapter of the Wisconsin Administrative Code shall preclude special and individual consideration being given to exceptional or unusual situations and upon due investigation of the facts and circumstances therein involved, the adoption of requirements as to individual utilities or services which shall be lesser, greater, other, or different than those provided in said rules.

The provisions identified by the applicant relate to billing, customer complaints, and metering requirements, specifically as each relates to the sub-meter found on the COEV-R charging unit, which would be used to parse out EV charging load from the overall house load for purposes of billing the charging load at the EV TOD rate. The applicant requested that the EV charging unit not be considered a "meter" for purposes of these requirements. The applicant does not request a waiver of these requirements as they relate to the primary electric meter, through which all service, house and charger usage cumulatively, would run. The applicant asserted, however, that the application of these requirements to both the primary meter and the charging unit's sub-meter would prove administratively burdensome to the extent that the new

optional program design would not be practical. Accordingly, the applicant requested that meter-related provisions in the code and its tariffs that are inconsistent with its proposal not apply to the COEV-R charging unit's sub-meter, including waivers related to billing:

- a. Wisconsin Admin. Code §§ PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;
- b. Wisconsin Admin. Code § PSC 113.0406(1)(c) pertaining to marking bills based on usage measured by the EV charger as estimated.; and
- c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

Among other things, a utility bill is required to include: present and last preceding meter readings; the date of the present meter reading; and the date of the next scheduled meter reading. These requirements are generally intended to ensure that each electric bill includes the necessary information for a customer to check the calculation of the bill. The applicant requested a waiver of these requirements in Wis. Admin. Code § PSC 113.0406(1)(a)3., 4., and 5., so these items would not show on the bill separately for the charging unit's sub-meter. These items would continue to show on the bill for the property's primary or house electric meter. The applicant requests that for Wis. Admin. Code § PSC 113.0406(1)(c), this program's approach to using COEV-R charging unit measurement for parsing out EV load not be considered to be billing "without an actual meter reading" which would require a bill designation that the bill is "estimated." A waiver of the billing requirements found in Wis. Admin. Code §§ PSC 113.0406(1)(a)3., 4., and 5., and PSC 113.0406(1)(c) with regard to the charging unit's sub-meter

may reduce COEV-R customers' ability to verify bills for accuracy as that ability relates to the allocation of EV TOD versus Rg-1 or Fg-1 usage.

The Commission finds the program design required to offer customers the option of a separate TOD rate for charging without the expense of a second meter installation to be an exceptional or unusual situation meriting the waivers. Residential EV charging was not contemplated when the administrative code requirements were developed, nor had a similar program design been proposed at the time. Not only is high upfront cost a barrier to EV adoption, but so may be a requirement to switch the entire property to a TOD rate. Because the applicant's proposal addresses those barriers, and given the optional nature of the program and the potential intermittency of the Wi-Fi connection which could affect the applicant's ability to accurately measure the timing of usage, the Commission finds that it is reasonable to grant the applicant waivers of the following Wisconsin Administrative Code provisions for the COEV-R program, with conditions:

- a. Wisconsin Admin. Code §§ PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;
- b. Wisconsin Admin. Code § PSC 113.0406(1)(c) pertaining to marking bills based on usage measured by the EV charger as estimated; and
- c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

The Commission finds it is reasonable to condition these waivers on the requirement that the applicant modify its tariff provisions to make the tariff language explicit in informing

customers that in the event of an error in the sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate. Additionally, the Commission finds that it is reasonable to require the applicant to provide and include updated tariff language explaining that over- or under-registration of charging use will result in more or less usage being billed on EV TOD and that bill adjustments will not be made for charging unit sub-meter inaccuracy.

COEV-R Waivers Related to Dispute Resolution

With regards to customer dispute resolution, in its application the applicant requested a waiver of Wis. Admin. Code § PSC 113.0407 as they relate to the charging unit sub-meter. This administrative code section requires electric utilities to investigate customer disputes and participate in the Commission's complaint process. The applicant asserts it would be administratively burdensome to follow the complaint process for disputes related to the amount of electricity showing on the charging unit's sub-meter.

Commission staff's memorandum described how, pursuant to statutory and Wisconsin Administrative Code requirements, a customer may contact the Commission to complain about an aspect of service. When that situation arises, Commission staff assesses the customer's stated concerns in light of the Commission's areas of jurisdiction and the relevant, applicable requirements of the statutes, administrative code, tariffs, and Commission orders in its determination regarding whether to open a complaint investigation.

Consistent with their previous decision on a similar request, the Commission finds it reasonable to not grant the applicant a waiver of Wis. Admin. Code § PSC 113.0407 for the COEV-R program.

COEV-R Waivers Related to Metering, Accuracy, and Testing

The applicant requested that the Commission waive the meter accuracy and testing requirements of the Wisconsin Administrative Code that are inconsistent with the COEV-R proposal. These include waivers for the following:

- a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements; and
- b. Wisconsin Admin. Code §§ PSC 113.0901, 113.0903, 113.0905, and 113.0924 pertaining to meter testing standards and recalculating bills for inaccurate meters.

The applicant stated in its application that all eligible equipment must be tested with an accuracy within 2.0 percent.

Wisconsin Stat. § 196.16(2) requires that “[t]he [C]ommission shall establish reasonable rules, regulations, specification and standards to secure the accuracy of all meters and appliances for measurement of public utility service.” Wisconsin Stat. § 196.17 further provides that the “[C]ommission shall provide for the examination and testing of every appliance used for measuring any product or service of a public utility.” Because the statutory language refers to “appliances for measurement of public utility service,” not just meters, granting a complete waiver of any accuracy standards or testing requirements for the COEV-R charging units could be problematic under these statutes.

As EV charging equipment is new technology that postdates the creation of these administrative codes, however, rather than a full waiver of the requirements or a broad finding that EV chargers are not meters, Commission staff’s memorandum suggested that the

Commission may find it reasonable to conclude that the 1.0 percent accuracy requirements prescribed for standard meters in Wis. Admin. Code § PSC 113.0811 need not be applied to the EV chargers to be used as part of the COEV-R program. Commission staff's memorandum suggested the Commission could impose a potential alternative accuracy standard, such as the 2.0 percent threshold which was proposed by NSPW for a similar EV program, as well as an alternative testing standard.

The Commission finds there are unique and exceptional circumstances presented by this program, and the new technology involved with EV charging equipment, which did not exist at the time the code was created, that justify deviation from the meter accuracy and testing standard requirements of the Wisconsin Administrative Code and tariff provisions identified by the applicant.

The Commission finds it is reasonable to establish an initial meter accuracy and testing standard requiring initial accuracy, as shown by the manufacturer of the EV charging equipment, to be within 2.0 percent. The Commission further finds it reasonable to direct the applicant to work with Commission staff on an ongoing meter accuracy and testing standard that could be used beyond initial installation, with the applicant to propose such standards by September 1, 2023. The Commission finds that approximately two years is a reasonable timeline based on the similar finding in the Final Decision in docket 4220-TE-104 which required NSPW to propose ongoing meter accuracy and testing standards by September 1, 2022. ([PSC REF#: 393776](#).) Additionally, the Commission delegates to the Administrator for the Division of Digital Access, Consumer and Environmental Affairs the authority to modify the initial meter accuracy and

testing standard and to approve the ongoing meter accuracy and testing standards authorized by the Commission in this docket.

With these conditions, the Commission finds that it is reasonable to grant the applicant a limited waiver of the following Wisconsin Administrative Code for the COEV-R program:

- a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements; and
- b. Wisconsin Admin. Code §§ PSC 113.0901, 113.0903, 113.0905, and 113.0924 pertaining to meter testing standards and recalculating bills for inaccurate meters.

Residential Program Tariff Language Waiving Billing Adjustment Rights

Under the WHEV-R program, all household and EV charging usage would be billed on a single Rg-2 TOD rate, using the applicant's existing meter, so the applicant is not requesting the waivers discussed above for COEV-R for that program. Both the COEV-R and the WHEV-R schedules include the following language, however: "Any customer choosing to be served on this rate schedule waives all rights to any billing adjustments arising from a claim that the bill for the customer's service would be cheaper on any alternative rate schedule for any period of time, including any rights under Wis. Adm. Code section PSC 113.0406(4)."

The relevant portions of Wis. Admin. Code § PSC 113.0406(4) require utilities to compute customer bills at the proper filed rate, and notify customers of lower cost rate options unless the customer has opted into an applicable rate. Rate schedules for various investor-owned utilities, including some of the applicant's existing rate schedules, have identical language to the applicant's tariff waiver language on TOD and various pricing riders. Commission staff's

memorandum suggested that the Commission may determine that the applicant's language is appropriate in these tariffs as well because customers will have opted into the residential COEV-R or WHEV-R program, and the applicant is still obligated to bill customers at the proper filed rate by Wis. Stat. § 196.22. The Commission previously found this waiver language in an optional utility tariff to be reasonable, as it ensures the common sense outcome that when a customer voluntarily chooses to go onto an optional rate the customer cannot later request a refund if they could have been on a lower rate schedule. ([PSC REF#: 295820](#) at 51.)

The Commission finds that given the exceptional circumstances presented by these programs, and customers' voluntary choice to enroll in the optional programs, it is reasonable to grant a waiver of customers' billing adjustment rates under Wis. Admin. Code § PSC 113.0406(4), and for the applicant to include the tariff language referencing customers' waiver of billing adjustment rights, including rights under Wis. Admin. Code § PSC 113.0406(4), in its COEV-R and WHEV-R optional program tariffs.

Commercial Program Waivers

To implement its Commercial Program, the applicant requested a waiver of specific administrative codes and tariff provisions as they relate to the use of an embedded cost allowance. The applicant has stated these waivers would apply narrowly to this program and would not apply to any other programs offered by the applicant. The Commission may grant waiver requests where unusual or exceptional circumstances are presented. Wis. Admin. Code § 113.01(2).

The provisions the applicant requests a waiver for are:

- a. Wis. Admin. Code § PSC 113.1005(1)

- b. Wis. Admin. Code § PSC 113.1007(1)
- c. Wis. Admin. Code § PSC 113.1008(3)
- d. Section 201 of the applicant's Electric Rules
- e. Section 202 of the applicant's Electric Rules

Wisconsin Admin. Code § PSC 113.1005(1) states that customers shall pay the estimated cost of distribution facilities, which is greater than the average embedded cost allowance for existing distribution facilities. As participants in the pilot would receive a revenue-based extension allowance, rather than an average embedded cost allowance, a waiver of this code section would be necessary for the applicant to implement its program.

Under Wis. Admin. Code § PSC 113.1007(1), customers would receive a refund of the contributed extension when the applicant makes an extension to a second customer that does not require a contributed extension. This refund would equal the greater of either the embedded cost allowance in effect at the time the extension was installed or the current embedded cost allowance. The applicant requests a waiver of this code section, as it refers to the use of an embedded cost allowance.

Lastly, Wis. Admin. Code § PSC 113.1008(3) addresses upgrades to distribution facilities. Wisconsin Admin. Code § PSC 113.1008(3)(d) states in relevant part that “customers who are served under a demand rate schedule shall receive an embedded cost allowance.” This allowance is calculated by using the customer's average billed demand after the upgrade less the customer's average billed demand before the upgrade. The embedded cost allowance is also used to calculate refunds due to both customers transferring to a different energy-only classification or a demand

classification under Wis. Admin. Code §§ PSC 113.1008(3)(c) and (d). These sections would not apply under the applicant's proposed pilot.

The portions of the applicant's tariff that refer to the embedded cost allowance, and thus that the applicant would need to be waived, include Section 201 and 202 of their Electric Rules, which define the allowance and how it is calculated, list the allowances assigned to each rate class for extensions intended to serve permanent customers, and the embedded cost allowance in calculating the construction credits allotted to customers who require an upgrade in distribution facilities due to a change in customers' load requirements.

As the Commercial Program differs from the typical practice of utilizing an embedded cost allowance that is detailed in portions of Wis. Admin. Code ch. PSC 113 and the applicant's tariff, the applicant proposes to communicate with customers throughout this new process. Additionally, the applicant will communicate with customers throughout the two-year true-up period. The applicant plans to notify customers of their actual incremental load in relation to their estimated load after 12 months, which would allow the customers an additional 12 months to make any necessary adjustments before the true-up period ends.

While the current extension rules require payment in advance of construction, customers would potentially not receive a bill until two years into the program. With utility facilities already in place, customers may lack some incentive to pay this bill. The applicant does not plan to utilize disconnection to collect unpaid bills that result from a true-up, but would instead apply its non-commodity collections treatment process. Customers would receive a notice when owed amounts are 30, 60, and 90 days past due. A deferred payment agreement would be offered to customers who require one, and amounts still owed after approximately 180 days would be

written off. Commission staff's memorandum suggested that the Commission may also wish to require reporting on the number of customers who do not pay the true-up bill prior to the applicant writing it off, and the amounts the applicant writes off after approximately 180 days, so as to evaluate these additional costs to the program.

As the proposed commercial pilot program is a new offering which aims to balance cost savings for participating customers, costs to non-participating customers, and administrative costs, the Commission staff's memorandum suggested that the Commission may wish to condition approval of the applicant's requested waivers by requiring reporting on the following:

- The number of customers whose actual load is more than 25 percent less than its estimated load by the end of the two-year true-up period;
- The amount of bills issued to customers at the end of the two-year true-up period;
- The number of customers who have received a true-up bill but have not paid it prior to write-off at approximately 180 days; and
- The amount of true-up bills written off after approximately 180 days.

The Commission finds that given the exceptional circumstances presented by this program, including the high cost barriers to EV charging infrastructure, the overall program design which avoids costs to non-participating customers, and customers' voluntary choice to enroll in it, there is good cause for a deviation from the requirements of the Wisconsin Administrative Code and the applicant's tariff provisions. Further, the Commission finds that it is reasonable for the applicant to report for the Commercial Program on the number of customers who do not meet their anticipated load level within two years and who receive a true-up bill; on the number of customers who do not pay the true-up bill prior to the applicant writing it off and

the amounts the applicant writes off after approximately 180 days; and on the amount of bills issued to customers at the end of the two-year true-up period.

With these conditions, the Commission finds that it is reasonable to grant the applicant waivers of the following Wisconsin Administrative Code and the applicant's tariff provisions for the Commercial Program:

- a. Wis. Admin. Code § PSC 113.1005(1)
- b. Wis. Admin. Code § PSC 113.1007(1)
- c. Wis. Admin. Code § PSC 113.1008(3)
- d. Section 201 of the applicant's Electric Rules
- e. Section 202 of the applicant's Electric Rules

Low-Income Program

The applicant proposed the inclusion of a low-income program. In their comments, the applicant later clarified that they were seeking input from the Commission on which direction they should take their possible proposals. In particular, the applicant wanted to know which sections of the proposal was most appealing to the Commission and should be pursued further. As part of their discussion, the Commission found all four possible ideas presented by the applicant to be reasonable, with further refinement and conditions. The Commission does not give a prescriptive direction for the applicant to take on the low-income program; however, the Commission does direct the applicant to report to the Commission on the results of any further engagement with Commission staff and Community-Based Organizations regarding the development of a low-income program proposal.

Order

1. The applicant's request to implement the proposed COEV-R, WHEV-R, and Commercial Program programs, as pilot programs, and as modified and conditioned by this Final Decision, is approved.

2. The applicant shall file the EV service program tariffs with the Commission, and make the tariffs available to the public pursuant to Wis. Stat § 196.19 and Wis. Admin. Code § PSC 113.0501(1).

3. The applicant shall work with Commission staff to agree on accounting procedures to track program costs and revenues, and ensure there is no cross-subsidization from other non-participating customers. The applicant shall provide accounting treatment and procedures for the programs within 60 days of this Final Decision.

4. The applicant shall defer the costs of the rebates offered to customers as part of the Commercial Program with carrying costs at the most recent Commission-authorized short-term debt rate of 2.78 percent until the applicant's next rate proceeding.

5. The applicant shall provide annual reporting for the COEV-R and WHEV-R programs on the following:

- a. Number of customers and selected options (bundled vs. prepay);
- b. Total amount of electricity sold by time of day;
- c. Program budget and spending;
- d. Survey results regarding customer satisfaction and installation experiences annually;
- e. Aggregated Interval Data;

- f. Analysis of customer cost savings; and,
 - g. Analysis of load management.
- 6. The applicant shall provide annual reporting for the Commercial Program on the following:
 - a. Number of customers participating in revenue based extension rules, including each customer's estimated load, total allowance, customer contribution, and total extension costs for both distribution extension and make-ready infrastructure with a comparison to current extension rules;
 - b. When actuals are available, the annual reports shall include a comparison of actual and estimated load showing how distribution revenues record the revenue-based distribution allowance;
 - c. Number of customers under each of the Optional Charger Service options; and,
 - d. The applicant shall report for the Commercial Program on the number of customers who do not meet their anticipated load level within two years and who receive a true-up; on the number of customers who do not pay the true-up bill prior to the applicant writing it off and the amounts the applicant writes off after approximately 180 days; and on the amount of bills issued to customers at the end of the two-year true-up period.
- 7. The applicant shall file to continue, modify, expand, replace, or close out the COEV-R, WHEV-R, and Commercial Program pilot programs by July 1, 2026.

8. The applicant shall, with conditions, be granted waivers of the following Wisconsin Administrative Code and the applicant's tariff provisions as they pertain to the charging unit sub-meter for the COEV-R program:

- a. Wisconsin Admin. Code §§ PSC 113.0406(1)(a)3., 4., and 5. pertaining to information displayed on customer bills;
- b. Wisconsin Admin. Code § PSC 113.0406(1)(c) pertaining to marking bills based on usage measured by the EV charging unit sub-meter as estimated; and,
- c. Wisconsin Admin. Code § PSC 113.0406(3) pertaining to identifying credits and original charges for meter inaccuracies, errors in billing, or misapplication of rates.

9. The applicant shall modify its tariff provisions related to the COEV-R program to make the tariff language explicit in informing customers that in the event of an error in the sub-meter's ability to track EV charging usage, such usage will be billed at the Rg-1 or Fg-1 rate.

10. The applicant shall not be granted a waiver of Wis. Admin. Code § PSC 113.0407 for the COEV-R program.

11. The applicant shall, with conditions, be granted a limited waiver of the following Wisconsin Administrative Code and the applicant's tariff provisions for the COEV-R program:

- a. Wisconsin Admin. Code § PSC 113.0811(1)(c) pertaining to meter accuracy requirements; and,
- b. Wisconsin Admin. Code §§ PSC 113.0901, 113.0903, 113.0905, and 113.0924, pertaining to meter testing standards and recalculating bills for inaccurate meters.

12. The applicant shall establish an initial meter accuracy and testing standard for its EV charging units used in the COEV-R program, requiring initial accuracy, as shown by the manufacturer, to be within 2.0 percent. The applicant shall work with Commission staff to propose, by September 1, 2023 an ongoing meter accuracy standard. The Commission delegates to the Administrator for the Division of Digital Access, Consumer Affairs and Environmental Affairs the authority to modify the initial accuracy and testing standards and to approve the ongoing meter accuracy and testing standards authorized in this Final Decision.

13. The applicant shall provide and include updated tariff language related to the COEV-R program explaining that over- or under-registration of charging use will result in more or less usage being billed on EV TOD and that bill adjustments will not be made for charging unit sub-meter inaccuracy.

14. The applicant is granted a waiver of customers' billing adjustment rights under Wis. Admin. Code § PSC 113.0406(4) and is authorized to include tariff language referencing customers' waiver of billing adjustment rights, including rights under Wis. Admin. Code § PSC 113.0406(4), in its COEV-R and WHEV-R optional program tariffs.

15. The applicant shall, with conditions, be granted waivers of the following Wisconsin Administrative Code and the applicant's tariff provisions for the Commercial Program:

- a. Wis. Admin. Code § PSC 113.1005(1)
- b. Wis. Admin. Code § PSC 113.1007(1)
- c. Wis. Admin. Code § PSC 113.1008(3)
- d. Section 201 of the applicant's Electric Rules
- e. Section 202 of the applicant's Electric Rules

16. The applicant shall report to the Commission on the results of any further engagement with Commission staff and Community-Based Organizations regarding the development of a low-income program proposal.

17. This Final Decision takes effect one day after the date of service.

18. Jurisdiction is retained.

Dated at Madison, Wisconsin, the 26th day of August, 2021.

By the Commission:

A handwritten signature in black ink that reads "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

SPC:TCM:jlt:cmb:DL: 01816304

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
4822 Madison Yards Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.⁷ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

⁷ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.

APPENDIX A

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(Not a party but must be served per Wis. Stat. § 227.53)

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